



2016/0280(COD)

28.4.2017

AMENDMENTS

273 - 472

Draft report
Therese Comodini Cachia
(PE601.094v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 273

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across the European Union. However, agreements on the online exploitation of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Amendment

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across ***all Member States of*** the European Union. However, agreements on the online exploitation of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Or. fr

Amendment 274

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across the European Union. However, agreements on the online ***exploitation*** of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Amendment

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across the European Union. However, agreements on the online ***enjoyment*** of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Or. en

Amendment 275

Julia Reda

Proposal for a directive

Recital 29 a (new)

Text proposed by the Commission

Amendment

(29 a) The reproduction of cultural works, specifically their digitisation, will in the coming years be the most powerful tool not only for the preservation of our cultural heritage but also for providing broad access to researchers, students and the general public. In contrast, access to culture would be jeopardised if these digitisations were copyrighted. Faithful reproductions of works that do not constitute a creative transformation should not be hampered by added barriers that could have a chilling effect on digitisation of cultural heritage.

Or. en

Amendment 276

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 30

Text proposed by the Commission

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the **bearing of the** costs. Member States should ensure that administrative

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism ***managed by a designated existing or newly established national body*** allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. ***Where the negotiation involves parties from different Member States, they should agree beforehand on the Member State competent, should the negotiation mechanism be required at some point in their negotiation.*** The body should meet with the parties and help with the negotiations by providing professional and

and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the *division of any* costs *arising*. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. en

Justification

This amendment aims at clarifying the term of national body.

Amendment 277

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional *and external* advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations *and* the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial *public* body. The body should meet with the parties and help with the negotiations by providing professional, *external, impartial and affordable* advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations, the bearing of the costs *and the composition of such bodies*. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. en

Amendment 278

Daniel Buda

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a **negotiation** mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and **help with** the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the **negotiation** mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the **negotiation** forum.

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a **facilitation** mechanism allowing **the relevant** parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the **relevant** parties and **facilitate** the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the **facilitation** mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the **facilitation** forum.

Or. ro

Amendment 279

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive **requires** Member States **to** set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive **recommends that** Member States set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide

the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. fr

Amendment 280
Julia Reda

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30 a) The collection, cataloguing, preservation and making available of the Union's heritage is of the utmost importance and should be strengthened for the benefit of future generations. This should be achieved notably through the preservation of published heritage. To this end, a Union legal deposit should be created in order to ensure that publications produced within and about the Union, in particular about Union law, Union history and integration, Union policy and Union democracy, institutional, parliamentary affairs and politics, and, thereby, the Union's intellectual record and future published heritage, is collected systematically. Not only should such heritage be preserved through the creation of a Union archive for publications dealing with Union-related matters, but it should also be made available to Union citizens and future generations. The European Parliament Library, as the Library of the only Union institution directly representing Union citizens, should be designated as the Union depository library. In order not to create an excessive burden on publishers, printers and importers, preferential treatment should be given to electronic

publications, such as e-books, e-journals and e-magazines for deposition in the European Parliament Library, which should make available for readers publications covered by the Union legal deposit at the European Parliament Library for the purpose of research or study following best practices of similar libraries. Furthermore, the collection and delivery procedures should seek to avoid unnecessary burden by making use of existing legal deposit requirements as well as bulk collection and delivery procedures.

Or. en

Amendment 281

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement

deleted

in the digital environment is often complex and inefficient.

Or. en

Amendment 282

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient. *deleted*

Or. en

Amendment 283

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in *deleted*

licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Justification

The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria (e.g. one criterion is that they should not be scientific journals according to Recital 33). Therefore, it seems to be a parallel protection beside the copyright on certain publications.

Amendment 284

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, ***publishers of press publications*** are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of ***publishers of press publications*** as rightholders, licensing and enforcement ***in the digital environment*** is often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, ***press agencies and publishers*** are facing problems in licensing the online use of their publications and recouping their investments. ***This is largely due to the fact that some news aggregators use press agencies' and publishers' content without purchasing a licence and without making suitable payment for the work provided. News aggregators are responsible for the content that they make publicly available.*** In the absence of recognition of ***press agencies and publishers*** as rightholders, licensing and enforcement ***are*** often complex and inefficient.

Or. fr

Amendment 285

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment *is* often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. ***News aggregators and search engines have increasingly developed their activities and are making profit from the content of press publishers. These profits are not shared fairly with the creators and publishers.*** In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment ***are*** often complex and inefficient.

Or. de

Amendment 286

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Esther de Lange, Pascal Arimont

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use

of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

of their publications and recouping their investments, ***in a context where news aggregators and search engines are increasingly making profit out of press publications, without contributing to their development and without fairly remunerating their creators***. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 287

Daniel Buda

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment *is* often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments ***and in establishing their standing for the purpose of asserting the rights they hold by law or by means of assignment, licence or any other contractual arrangement***. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment ***are*** often complex and inefficient.

Or. ro

Amendment 288

Sajjad Karim

Proposal for a directive

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Recital 31

Text proposed by the Commission

(31) A free and pluralist press *is* essential to ensure quality journalism and citizens' access to information. *It* provides a fundamental contribution to public debate and the proper functioning of a democratic society. *In* the transition from print to digital, publishers of press publications are facing problems in *licensing the online use of their publications and* recouping their investments. *In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.*

Amendment

(31) ***An Open Internet and*** a free and pluralist press ***are*** essential to ensure quality journalism and citizens' access to information. ***The press*** provides a fundamental contribution to public debate and the proper functioning of a democratic society ***by investing in content. However,*** in the transition from print to digital, publishers of press publications are facing problems in recouping their investments ***and negotiating with online service providers.***

Or. en

Amendment 289

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. ***In the absence of recognition of publishers of press publications as rightholders, licensing*** and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. Licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 290

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Marju Lauristin, Josef Weidenholzer

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) **An open Internet and** free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 291

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and **citizens'** access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment **is** often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and access to information **for citizens of the Member States**. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment **are** often complex

and inefficient.

Or. fr

Amendment 292

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. *deleted*

Or. en

Justification

The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria (e.g. one criterion is that they should not be scientific journals according to Recital 33). Therefore it seem to be a parallel protection next to copyright on certain publications.

Amendment 293

Jens Rohde

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing *deleted*

press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

Or. en

Amendment 294

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.* ***deleted***

Or. en

Amendment 295

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka,

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Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.* **deleted**

Or. en

Amendment 296
Jiří Maštálka

Proposal for a directive
Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available* **deleted**

to the public of press publications in respect of digital uses.

Or. en

Amendment 297

Sajjad Karim

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial **contribution** of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. ***It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.***

Amendment

(32) The organisational and financial **investment** of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry.

Or. en

Amendment 298

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Josef Weidenholzer

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and **further** encouraged to ensure the sustainability of **the publishing industry**. ***It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital***

Amendment

(32) The organisational and financial contribution of **journalists and** publishers in producing press publications needs to be recognised and encouraged to ensure the sustainability of **news production**.

uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

Or. en

Amendment 299

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore *necessary to provide at Union level a harmonised* legal protection for press publications in respect of digital uses. *Such* protection should be *effectively* guaranteed through the introduction, *in Union law*, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore *recommended that Member States take measures to ensure optimal* legal protection for press publications in respect of digital uses. *Accordingly it is suggested that such* protection should be guaranteed through the introduction, *where necessary, into national legal systems* of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

Or. fr

Amendment 300

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised

Amendment

(32) The organisational and financial contribution of *press agencies and* publishers in producing press publications

and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital *and analogue* uses.

Or. fr

Amendment 301
Kosma Złotowski

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications *in respect of digital uses*. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Amendment 302
Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications *in respect of digital uses*. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

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Or. en

Amendment 303

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Pascal Arimont

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications *in respect of digital uses*. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Amendment 304

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. de

Amendment 305
Rosa Estaràs Ferragut

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. es

Justification

The proposal only grants rights for digital uses. The related right of publishers to analogue uses is understood.

Amendment 306 **Angel Dzhambazki**

Proposal for a directive **Recital 32**

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Justification

The proposal only provides rights for digital uses, whereas the role of the publisher is both for print and digital. Other neighbouring rights in fact enjoy a full scope of rights, i.e. film producers and broadcasting organisations. Hence, the provision should be applicable to both.

Amendment 307 **Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin**

Proposal for a directive **Recital 33**

Text proposed by the Commission

(33) *For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces*

deleted

Amendment

only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 308

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

deleted

Or. en

Amendment 309

Jens Rohde

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) *For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.* *deleted*

Or. en

Amendment 310

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) *For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or* *deleted*

monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 311
Pavel Svoboda

Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

deleted

Or. cs

Amendment 312

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck,

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Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Monika Vana, Bodil Valero, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to *define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not* extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to *clarify the scope of protection set out in Article 2 and 3 of Directive 2001/29/EC. In order to improve legal certainty for all concerned parties, and to ensure the freedom to carry out certain acts necessary for the normal functioning of the Internet as well as to take account of certain fundamental rights, these Articles* should not extend to acts of hyperlinking, which do not constitute communication to the public.

Or. en

Amendment 313
Rosa Estaràs Ferragut

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a

service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. ***Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive.*** This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. es

Justification

Scientific publications form part of the periodical press but are explicitly excluded in the proposal.

Amendment 314 **Daniel Buda**

Proposal for a directive **Recital 33**

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. ***Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive.*** This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment 315
Angel Dzhambazki

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. ***Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive.*** This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 316
Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Esther de Lange, Pascal Arimont

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such

publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should **not** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts **of hyperlinking** which do not constitute communication to the public.

publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should be covered by the protection granted to press publications under this Directive. This protection ***should notably apply where the content is automatically generated by, for example, news aggregators but*** does not extend to acts which do not constitute communication to the public ***as it may be the case with acts of hyperlinking***.

Or. en

Amendment 317
Kosma Zlotowski

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific **or academic** purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published ***strictly*** for scientific, ***academic or non-commercial*** purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 318

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking *which* do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking *when such acts* do not constitute communication to the public.

Or. fr

Amendment 319

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications

which are published for scientific or academic purposes, such as scientific journals, should ***not*** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

which are published for scientific or academic purposes, such as scientific journals, should ***also*** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. de

Amendment 320

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***hyperlinking which do not constitute communication to the public.***

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***a computation referencing or indexing system such as hyperlinking.***

Or. en

Amendment 321

Rosa Estaràs Ferragut

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should **not** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. es

Justification

Scientific publications form part of the periodical press but are explicitly excluded in the proposal.

Amendment 322
Sajjad Karim

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific

journals, should not be covered by the protection granted to press publications under this Directive. This protection does not *extend to acts of* hyperlinking which *do* not constitute communication to the public.

journals, should not be covered by the protection granted to press publications under this Directive. This protection does not *include* hyperlinking which *does* not constitute communication to the public.

Or. en

Amendment 323

Sajjad Karim

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

deleted

Or. en

Amendment 324

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making

deleted

Or. en

Amendment 325

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) *The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.* *deleted*

Or. en

Amendment 326

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor

Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) *The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.* *deleted*

Or. en

Amendment 327
Jens Rohde

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) *The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.* *deleted*

Amendment 328

Jiří Maštálka

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Amendment 329

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such *deleted*

as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 330

Pavel Svoboda

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

deleted

Or. cs

Amendment 331

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as **digital uses are** concerned. **They** should also be subject to the same provisions on exceptions and limitations as those applicable to the rights

(34) The rights granted to the publishers of press publications **and press agencies** under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in **Articles 2 and 3(2) of** Directive 2001/29/EC **and Articles 3 and 9 of Directive 2006/115/EC**, insofar as **the use of press publications is** concerned. **Short**

provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

extracts of copyrighted press publications constitute reproduction given their economic value. Their unauthorised use should therefore be prohibited unless they are being used in a private and non-commercial context.

These rights should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

The protection afforded to press agencies and publishers by this Directive should include any content generated automatically by news aggregators.

Or. fr

Amendment 332

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. ***The protection granted to press publications under this Directive should also apply where the content is automatically generated by, for example, news aggregators.***

Or. de

Justification

This amendment is to ensure that snippets are covered by the publishers right.

Amendment 333

Kosma Zlotowski

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC ***as well as the rights of distribution and rental and lending provided for in Directive 2006/115/EC***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 334

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights

Amendment

(34) The rights ***which may possibly be*** granted to the publishers of press publications ***by Member States that so decide*** under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same

provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. fr

Amendment 335

Rosa Estaràs Ferragut

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***and as the rights of distribution, rental and lending provided for in Directive 2006/115/EC***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. es

Justification

The proposal only grants rights for digital uses, but the publisher's role and investment in publishing firms covers both print and digital uses, regardless of the method of dissemination. Holders of other related rights enjoy full rights. Granting rights for digital uses only suggests that the print edition does not merit the same level of protection, and does not take account of unauthorised reproduction, distribution, rental or loan. The failure to include similar rights would be akin to failing to cover CDs and DVDs for film makers.

Amendment 336

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Pascal Arimont

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 337

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 338

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 34 a (new)

Text proposed by the Commission

Amendment

(34 a) When extracts are re-used by an aggregator, it should be possible for the press agency or publisher to decide for specific reasons to award the aggregator a licence free of charge.

Or. fr

Amendment 339

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. en

Amendment 340

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Marietje Schaake, Judith Sargentini, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.* *deleted*

Or. en

Amendment 341

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to* *deleted*

publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Or. en

Amendment 342
Jens Rohde

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Amendment 343

Jiří Maštálka

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.* *deleted*

Or. en

Amendment 344

Sajjad Karim

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other* *deleted*

rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Or. en

Amendment 345
Pavel Svoboda

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. cs

Amendment 346
Angelika Niebler, Christian Ehler, Axel Voss

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EN

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.
Member States should ensure that a fair share of remuneration, derived from the use of the press publishers right, is attributed to journalists, authors and other rightholders.

Or. de

Amendment 347

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in

Amendment

(35) The protection granted to publishers of press publications ***and press agencies*** under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from

which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

the press publication in which they are incorporated. Therefore, publishers of press publications **and press agencies** should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications **or press agencies**, on the one side, and authors and other rightholders, on the other side.

Or. fr

Amendment 348

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Amendment

(35) The protection granted to publishers of press publications **by Member States which so wish** under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Or. fr

Amendment 349

Jens Rohde

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

deleted

Or. en

Amendment 350

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific

deleted

publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. en

Amendment 351
Julia Reda

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some *deleted*

instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. en

Amendment 352
Jiří Maštálka

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take

deleted

account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. en

Amendment 353

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the

Amendment

(36) Publishers, including those of press publications, books, **music** or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In **other cases, they operate based on agreements where authors grant a right to claim a share of the income.** In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred, **assigned** or licensed his rights,

harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

including the right to claim a share of income, to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. en

Amendment 354

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) **Publishers**, including those of press publications, books *or* scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim

Amendment

(36) **Press agencies and publishers**, including those of press publications, books *and* scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or *press agency or* otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers *and press agencies* are entitled to claim a share

should not exceed what is required under the system in place.

of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. fr

Amendment 355
Sajjad Karim

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, ***whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.***

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation.

Or. en

Amendment 356**Angelika Niebler, Christian Ehler, Axel Voss****Proposal for a directive****Recital 36***Text proposed by the Commission*

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Amendment

(36) Publishers, including those of press publications, books or scientific publications **or musical works**, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. de

Amendment 357**Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva****Proposal for a directive****Recital 36 a (new)***Text proposed by the Commission**Amendment*

(36 a) In its ruling in Case 174/15 (VOB vs Stichting Leenrecht), the Court of Justice recognised that the lending of e-books can fall under the same rules as the lending of physical books. When Member States apply the limitation to copyright under Article 6 of the Rental and Lending Directive, libraries are able to buy any physical book on the market. Once purchased, they can lend it without restrictions linked to contract terms or other measures of protection which prevent the exercise of exceptions and limitations to copyright. These provisions should also apply to e-books.

Moreover, with the objective of ensuring that all citizens of the European Union have access to a full selection of books and other resources, all Member States should ensure that the limitation to the exclusive public lending right in Article 6 of the Rental and Lending Directive is mandatory.

Or. en

Amendment 358

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) The obligation to acquire licences should also apply to news aggregators.

Or. fr

Amendment 359

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) *Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

deleted

Or. en

Amendment 360
Rosa Estaràs Ferragut

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of *the online content* marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) *The evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of and access to copyright-protected content.* Over the last years, the functioning of *this* marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it. *The creative sector contributes significantly to the strength of the Union, both economically and culturally, and this sector's importance has long been recognised by European Union legislation, including Directive*

2001/29/EC, that guarantees a framework in which the exploitation of works and other kinds of protected subject-matter can take place. The difficulties faced by rightholders when seeking to license their rights to certain online service providers and be remunerated for the online distribution of their works and content may jeopardise that aim. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works and subject-matter and that rightholders are able to negotiate copyright licences with the providers of user-uploaded content services that distribute said content.

Or. es

Justification

This explains in more detail the context and need for provisions whose aim is to provide an appropriate legislative framework for licence agreements between rightholders and UUC services on use of copyright content

Amendment 361

Luis de Grandes Pascual

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) ***Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of and access to copyright-protected content.*** Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online.

This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

The creative sector contributes significantly both economically and culturally to the strength of the Union, and the importance of the sector has long been recognised by Union law including Directive 2001/29/EC, which aims to guarantee a framework wherein the exploitation of works and other protected subject-matter can take place. Difficulties faced by rightholders when seeking to license their rights to certain online services and be remunerated for the online distribution of their works and subject matter risks undermining that aim. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works and subject-matter and that rightholders are able to negotiate copyright licenses with user – uploaded content services that distribute their content.

Or. en

Justification

To explain in more detail the context and the need for provisions that aim to provide an adequate legislative environment for concluding licenses between right holders and UUC services for use of copyright content.

Amendment 362

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has

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Amendment

(37) Over the last years, the functioning of the online content marketplace has

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gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it. ***As a result this transfer of value undermines the efficiency of the online market, distorts competition and drives down the overall value of cultural content online. It also limits consumer choice for new and innovative legitimate services in the European Digital Single Market and puts at risk cultural and creative industries.***

Or. en

Amendment 363

Daniel Buda

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of ***the online content*** marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) ***Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution and access to copyright-protected content.*** Over the last years, the functioning of ***this*** marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment 364

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive**Recital 37***Text proposed by the Commission*

(37) Over *the last* years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) Over *recent* years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. ***Thereby, the online services often make profits from content that they do not create, which are not always shared fairly with the concerned creators.*** This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Or. de

Amendment 365

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive**Recital 37***Text proposed by the Commission*

(37) Over the *last* years, ***the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders*** have flourished and have become *main* sources of access to content online. ***This affects rightholders' possibilities to determine***

Amendment

(37) Over the years, online services ***enabling users to upload works and to make them accessible to the public*** have flourished and have become *important* sources of access to content online ***and of creativity. At the same time, when protected content is uploaded without prior authorisation from right holders, they have generated challenges.***

whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Or. en

Amendment 366

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) *Over the last years, the functioning of the online content marketplace has gained in complexity.* Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. *This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

Amendment

(37) Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online, *allowing for diversity and creation of new content, while stimulating the revenues of the creative sector to grow in the digital environment.*

Or. en

Amendment 367

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) *Over* the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become *main* sources

Amendment

(37) *Especially* over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become

of access to content online. *This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

important sources of *easy* access to content online, *also causing challenges when copyright protected content is uploaded without prior authorization from rightholders.*

Or. en

Amendment 368

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. **Online** services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. **Active** online services providing access to copyright protected **digital** content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to **copyright protected** content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Or. en

Amendment 369

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services **providing access to** copyright protected

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services **hosting** copyright protected content

content uploaded by their users without the involvement of right holders have flourished and have become *main* sources of access to content online. *This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

uploaded by their users without the involvement of right holders have flourished and have become *important* sources of access to content online *allowing for diversity and ease of access to content but also generating challenges when copyright protected content is uploaded without prior authorisation from rightholders.*

Or. en

Amendment 370

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip, Mady Delvaux

Proposal for a directive Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Despite the fact that more creative content is being consumed today than ever before, on services such as user-uploaded content platforms and content aggregation services, yielding significant profits, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. The value of cultural and creative works has been diverted away from the authors, artists, producers and others rights holders, generating an unsustainable "value gap". This transfer of value, due to the lack of clarity regarding the status of these online services under copyright and e-commerce law, undermines the efficiency of the online market, distorts competition and drives down the overall value of cultural content online. It also limits consumer choice for new and innovative legitimate services in the European Digital Single Market and puts at risk cultural and creative industries that create significant jobs and growth for EU economy, as underlined by the European Parliament resolution of 13 December 2016 on a

Amendment 371

Daniel Buda

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37) The creative sector contributes significantly both economically and culturally to strengthening the Union, and the importance of the sector has long been recognised under European Union law including Directive 2001/29/EC, which aims to guarantee a legislative framework wherein the exploitation of works and other protected subject-matter can take place. Rightholders frequently encounter difficulties in licensing their rights with certain online providers and securing remuneration for the online distribution of their works, with the risk of undermining their activities. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works and subject-matter and that rightholders are able to negotiate copyright licenses with user – uploaded content services that distribute their content.

Or. ro

Amendment 372

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 37 a (new)

(37 a) The creative sector contributes significantly both economically and culturally to the strength of the Union, and the importance of the sector has long been recognised by European Union legislation including Directive 2001/29/EC, which aims to guarantee a framework wherein the exploitation of works or other protected subject-matter can take place. The difficulties faced by rightholders when seeking to license their rights to certain online services and to receive remuneration for the online distribution of their works or other subject matter risk undermining that aim. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works or other subject-matter and that rightholders are able to negotiate copyright licenses with user – uploaded content services that distribute their content.

Or. en

Amendment 373
Rosa Estaràs Ferragut

Proposal for a directive
Recital 37 a (new)

(37a) User-uploaded content services attract users and create economic value by giving access to works and other protected subject-matter and also, in many cases, optimising their presentation, organisation, and promotion. In so doing, these services are competing directly with licensed content providers for the same users and profits. Unlike licensed content providers, however, user-uploaded content

services pay very little remuneration, or none at all, to creators for the works on which they base their business models, making inappropriate use of the safe harbour provisions in Directive 2000/31/EC of the European Parliament and of the Council.

Or. es

Amendment 374

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Today more creative content is being consumed than ever before. This mostly happens via platform services where content is uploaded by users, or via content aggregation services. At the same time, the revenues for the creative industries have not increased at anything like the same pace. This has generated a so-called 'value gap', where platform services retain the value of cultural and creative works, which is diverted from creators. The transfer of value has created an inefficient and unfair market, and threatens the long-term health of the EU's creative sector and the success of the Digital Single Market.

Or. de

Amendment 375

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, Frédérique Ries, Christian Ehler, António Marinho e Pinto

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) It should be clearly noted that the

mechanism providing exemption from liability does not apply to services that play an active role in uploading copyrighted works or subject-matter. Accordingly, UUC services undertaking acts of communication to the public through their essential intervention in the act of communication to the public initiated by uploaders are not covered by Directive 2000/31/EC where copyright is concerned, and are therefore subject to the provisions of Directive 2001/29/EC in the same way as providers of online content services.

Or. fr

Amendment 376

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip, Mady Delvaux

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 b) Digital platforms are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models; consideration is to be made of how this process can function with more legal certainty and fairness and respect for right holders; importance of transparency and of ensuring a level playing field is necessary; in this regard, protection of right holders within the copyright and intellectual property framework is necessary in order to ensure recognition of values and stimulation of innovation, creativity, investment, to guarantee the success of a Digital Single Market, offering all diverse and quality cultural and creative works.

Amendment 377

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37b) Digital platforms are means of providing wider access to cultural and creative works. They offer great opportunities for cultural and creative industries to develop new business models. How this process can be combined with greater legal certainty and respect for rightholders is therefore an issue that needs to be examined. It is of utmost importance to ensure transparency and a fair level playing field. The protection of right holders within the copyright and intellectual property framework is necessary in order to ensure recognition of values and stimulation of innovation, creativity, investment and production of content.

Or. de

Amendment 378

Rosa Estaràs Ferragut

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37b) This transfer of value undermines the efficiency of the online market, distorts competition and reduces the overall value of cultural content online. It also reduces the choice consumers may have of new and legitimate innovative services in the EU's digital single market, jeopardising the cultural and creative industry, one which contributes

significantly to job creation and growth, as was highlighted in the European Parliament Resolution of 13 December 2016 on a coherent EU policy for cultural and creative industries (2016/2072(INI)).

Or. es

Amendment 379

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip

**Proposal for a directive
Recital 37 c (new)**

Text proposed by the Commission

Amendment

(37 c) This is why liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

Or. en

Amendment 380

Evelyn Regner, Josef Weidenholzer

**Proposal for a directive
Recital 38**

Text proposed by the Commission

Amendment

(38) Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of

deleted

Directive 2000/31/EC of the European Parliament and of the Council³⁴.

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 381

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38) Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere **deleted**

provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 382
Jiří Maštálka

Proposal for a directive
Recital 38 – paragraph 1

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

deleted

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 383

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive Recital 38 – paragraph 1

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

deleted

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 384

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of ***reproduction as well as an act of*** communication to the public, ***including the act of making content available, the process of which began with the uploading by their users of the copyrighted works and subject-matter,*** they are obliged to conclude licensing agreements with rightholders ***who so request, covering rights of reproduction and communication to the public,*** unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

In respect of the liability exemption provided for in Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising copyrighted uploaded content for the purpose of selection, categorisation or aggregation, or by promoting or recommending them, irrespective of the means used to that end. Where a service provider plays an active role it cannot be exempt from liability as provided for in Article 14 of Directive

2000/31/EC.

Unless they are acting in a professional capacity, the liability of service users for copyrighted acts is covered by the licensing contracts concluded by the rightholders with the service providers.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. fr

Amendment 385

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers *store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they* are obliged to *conclude licensing agreements with rightholders, unless they are* eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where *an* information society service *is provided that consists of the storage of information provided by a recipient of the service and providers of the service enable users to upload works in such a way as to make them available to the public and obtains knowledge after receiving notification by the rightholders that the work is used in an unauthorised manner and subject to copyright and related rights, those providers* are obliged to *take that content down in order to be* eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. *However, it is in the interests of all parties involved that the content remain online. Therefore, the possibility of concluding a licensing agreement between rightholders and the service providers on fair and reasonable terms for that purpose should be enabled.*
In order to ensure that notifications of works subject to copyright and related

rights are valid, rightholders should provide service providers with an accurate identification of both the protected works and the uploaded content deemed to be unauthorised, including its exact location. To prevent misuses or abuses of notifications, and protect freedom of information and expression and the limitations and exceptions to copyright law, users should have access to redress and complaint mechanisms.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 386

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store *and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council*³⁴.

Amendment

Where information society service providers *that store information provided by a recipient of the service conduct licencing agreements with rightholders on a voluntary basis, the users' fundamental rights to privacy, freedom of expression and freedom of information are often not sufficiently taken into account and their ability to assert their right of use under an exception or limitation is often unjustly curtailed by the measures put in place as part of those licencing agreements. In order to correct this situation and provide legal certainty to users who are exercising their right of use under an exception or limitation that exists under national law in the country in which the use is made, a legal framework*

governing those licencing agreements is necessary. In order to protect fundamental rights and improve legal certainty for all concerned parties in light of the case law of the Court of Justice of the European Union, it is necessary that any agreements on measures between rightholders and information society service providers do not impose a general obligation on information society service providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. ³⁴

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 387
Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *thereby going beyond the mere provision of* physical facilities and *performing an* act of communication to the public, *they* are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *they do not merely provide* physical facilities and *as such are involved in the* act of communication to the public *brought about by their users when they upload such protected works or other subject-matter. Those service providers* are obliged to conclude licensing agreements with rightholders *concerning the rights of communication to the public and of reproduction*, unless they are eligible for the liability exemption provided in Article

14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.
To afford legal certainty to individual users, licences granted to said service providers should cover liability for relevant user actions, provided that users are not acting in a professional capacity.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. es

Justification

UUC platforms perform acts of communication to the public through the part they play in acts of communication to the public by their users. The wording needs to be clarified to ensure safe harbours cannot be applied to UUC platforms playing an active role in making works available to the public in accordance with a correct interpretation of the E-Commerce Directive. The licence granted to the platform covers uploads performed by users, to guarantee maximum legal certainty, when no professional purpose is involved.

Amendment 388

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Theresa Griffin, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and ***performing an*** act of communication to the public, ***they are*** obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and ***intervening in the*** act of communication to the public, ***initiated by their users uploading such works and other subject matter. These service providers are thus*** obliged to conclude licensing agreements with rightholders ***both for the communication to the public and reproductions rights in***

*which they play an indispensable role, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. **In order to provide legal certainty for users, the authorization granted to these service providers shall cover the liability of their users for the relevant copyright acts, when the user is acting on a non-commercial basis.***

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 389

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public **and an act of reproduction**, they are obliged to conclude licensing agreements with rightholders **to protect the legitimate interest of the rightholder**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. **This liability exemption can, however, only apply to totally neutral and passive online service providers, as defined in the Directive on electronic commerce and in the case-law**

of the European Court of Justice, and not to services that play an active role in distributing, promoting and exploiting content at the expense of creators.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.07.2000, p. 1).

Or. de

Amendment 390

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Josef Weidenholzer

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public *to* copyright *protected* works *or other subject-matter* uploaded by their users, *thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council*³⁴.

Amendment

Where information society service providers store and provide access to the public copyright works uploaded by their users, *they should conclude agreements with rightholders that ensure appropriate remuneration for authors, unless they are qualified for the liability exemptions provided in Articles 12, 13, 14 and 15 of Directive 2000/31/EC. Such agreements should take into consideration the interests of authors, performers, all end-users and information society services. To avoid multiple licensing for the use of the same work on the same information society service providers, which would lead to fragmentation of the Digital Single Market, rightholders should offer a single agreement or license covering the relevant copyrighted works and should offer pan-European licence for the use of their work covered by this recital.*

³⁴ Directive 2000/31/EC of the European

Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 391
Daniel Buda

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store ***and provide access to the public to*** copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where information society service providers store, ***index and classify*** copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication ***or providing access*** to the public ***as the case may be***, they are obliged to conclude licensing agreements with rightholders ***or prevent the unauthorised availability of works or other copyright-protected subject matter provided by them***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. ro

Amendment 392
Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

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Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **thereby going** beyond the mere provision of physical facilities and **performing an** act of communication to the public, **they are** obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Information society service providers **that** store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **go** beyond the mere provision of physical facilities and **intervene in the** act of communication to the public **initiated by their users uploading such works and other subject matter. These service providers are thus** obliged to conclude licensing agreements with rightholders **both for the communication to the public and reproducing rights in which they play an indispensable role**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Justification

As User Uploaded Content (UUC) services undertake acts of communication to the public through their indispensable intervention in the communication to the public initiated by uploaders, it is necessary to clarify the wording so that the safe harbour non-liability regime does not apply to the services that play an active role in making the works and other subject matter available to the public. Such services are not covered by Directive 2000/31/EC for copyright purposes and they are subject to the rules of Directive 2001/29/EC as any digital content service provider.

Amendment 393

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Recital 38 – paragraph 1

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **thereby** going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with **rightholders**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Where information society service providers store and provide access to the public to **significant amounts of** copyright protected works or other subject-matter uploaded by their users, **therefore** going beyond the mere provision of physical facilities and performing an act of communication to the public **as well as an act of reproduction**, they are obliged to conclude licensing agreements with **rightholders that request such agreements**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 394

Stefano Maullu

Proposal for a directive **Recital 38 – paragraph 1**

Where information society service providers **store and provide access to the public to copyright protected works or other subject-matter** uploaded by their users, **thereby going beyond the mere provision of physical facilities and performing an act of communication to the public**, they are obliged to conclude licensing agreements with rightholders, **unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council**³⁴.

Where information society service providers **are, irrespective of the nature of the means used to that end, involved in the making available to the public of third-party works** uploaded by their users, **and where such activity is not of a mere technical, automatic and passive nature**, they are obliged to conclude licensing agreements with rightholders. **This is nevertheless without prejudice to the use of works made within an exception or limitation to copyright and the use of original user-created content.**

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. it

Amendment 395
Antanas Guoga

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders*, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *they should conclude licensing agreements with rightholders in order to ensure fair remuneration*, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 396
Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public **and/or an act of reproduction**, they are obliged to conclude licensing agreements with rightholders **requiring so**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 397

Luis de Grandes Pascual

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication **or making available** to the public, **as the case may be**, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of

Parliament and of the Council³⁴ .

Directive 2000/31/EC of the European
Parliament and of the Council³⁴ .

³⁴ Directive 2000/31/EC of the European
Parliament and of the Council of 8 June
2000 on certain legal aspects of
information society services, in particular
electronic commerce, in the Internal
Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European
Parliament and of the Council of 8 June
2000 on certain legal aspects of
information society services, in particular
electronic commerce, in the Internal
Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Justification

It is necessary to clarify that the acts of UUC services could also fall under the right of “making available to the public”, because this is the right which applies to on-demand distribution or streaming by UUC services for certain right holders, such as producers and performers. It should also be clarified that service providers need to implement technologies in case where such exist, meaning that service providers are not obliged to invest into developing their own technologies.

Amendment 398 **Rosa Estaràs Ferragut**

Proposal for a directive **Recital 38 – paragraph 1**

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

³⁴ Directive 2000/31/EC of the European
Parliament and of the Council of 8 June
2000 on certain legal aspects of

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication **or making available** to the public, **as the case may be**, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

³⁴ Directive 2000/31/EC of the European
Parliament and of the Council of 8 June
2000 on certain legal aspects of

information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. es

Amendment 399

Sajjad Karim

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers ***store and provide access to the public to copyright protected works or other subject-matter*** uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers ***are actively involved in the making available, promoting and curating copyright protected digital content*** uploaded by their users, ***to the public***, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 400

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *thereby going* beyond the mere provision of physical facilities and *performing* an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Where information society service providers *that* store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, *go* beyond the mere provision of physical facilities and *perform* an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 401

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 402

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 403

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 404

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Amendment 405

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

**Proposal for a directive
Recital 38 – paragraph 2**

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 406

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

**Proposal for a directive
Recital 38 – paragraph 2**

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider *plays* an active role, *including by optimising* the presentation of the uploaded works or subject-matter or *promoting them*, irrespective of the nature of the means used therefor.

In respect of *the application of* Article 14 *of the Directive 2000/31/EC*, it is necessary to verify whether the *role played by the* service provider *is* an active role. *An active role includes, inter alia, optimization for the purpose of* the presentation *by the service* of the uploaded works or subject-matter or *their promotion by the service*, irrespective of the nature of the means used therefor. *The service providers that play such an active role are ineligible for the liability exemption of such Article 14.*

Or. en

Justification

It should be clarified that the provision refers to two acts that are "storing" and "giving access" that correspond to two copyright relevant acts, "reproduction right" and "communication to the public right" respectively. Therefore, both acts should be mentioned, since both of them need to be licensed if the service plays an active role.

Amendment 407

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Theresa Griffin, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa

Proposal for a directive Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, *it is necessary to verify whether* the service provider *plays* an active role, *including by optimising* the presentation of the uploaded works or subject-matter or *promoting them*, irrespective of the nature of the means used therefor.

Amendment

In respect of *the application of* Article 14 of the Directive 2000/31/EC, *unless it has been ascertained that the role of the service provider is of a purely passive nature*, the service provider *would not be eligible for the liability exemption of Article 14 of the Directive 2000/31/EC and would be deemed to play* an active role. *An active role includes, inter alia, optimisation for the purpose of the presentation by the service* of the uploaded works or subject-matter or *their promotion by the service*, irrespective of the nature of the means used therefor. *A service provider can be deemed active even where it has no editorial control over the content which it makes available.*

Or. en

Amendment 408

Stefano Maullu

Proposal for a directive Recital 38 – paragraph 2

Text proposed by the Commission

In *respect of* Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the

Amendment

In order to apply the liability regime referred to in Article 14 of Directive 2000/31/EC of the European Parliament

presentation of the uploaded works or subject-matter **or promoting** them, irrespective of the nature of the means used therefor.

and of the Council, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter, **promoting or economically exploiting** them, irrespective of the nature of the means used therefor, **including automated processes. The service provider cannot invoke not playing an active role for single works or other subject-matter where the service provider plays an active role with regard to the general functioning of the service.**

Or. it

Amendment 409

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14 **of Directive 2000/31/EC and the liability exemption provided therein**, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In such case, the provider should no longer be considered to be merely hosting copyright protected works or other subject-matter uploaded by their users, should be ineligible for the liability exemption and therefore subjected to the provisions of Directive 2001/29/EC as any digital service provider.

Or. en

Amendment 410

Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider **plays an active role, including by optimising the** presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used **therefor**.

Amendment

In respect of **the application of** Article 14 of **Directive 2000/31/EC**, it is necessary to verify whether the **role played by the** service provider **is an active one. An** active role **includes, amongst other matters, optimisation for the purposes of** presentation **by the service** of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used **therefore. In this event, the service providers may not invoke the exemption from liability contained in Article 14.**

Or. es

Amendment 411
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider **plays** an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14, it is necessary to verify whether the service provider **has played** an active role **with knowledge of the copyright protected digital content in question**, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Or. en

Amendment 412
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the ***uploaded works or subject-matter*** or promoting ***them***, irrespective of the nature of the means used therefor.

In respect of Article 14 ***of Directive 2000/31/EC***, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the ***content provided by the service*** or promoting ***such content***, irrespective of the nature of the means used therefor.

Or. en

Amendment 413

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

**Proposal for a directive
Recital 38 – paragraph 3**

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 414

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Recital 38 – paragraph 3**

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 415

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

**Proposal for a directive
Recital 38 – paragraph 3**

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 416

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

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Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

deleted

Or. en

Amendment 417
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers **are** eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers, eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC, **store and provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their**

users.

Or. en

Amendment 418

Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large amounts of** copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users, should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC. ***Such licence agreements should also cover the content uploaded by users of these services, as well as their liability, including where they perform an act of reproduction and/or of communication to the public, insofar they act on a non-professional basis.***

Or. en

Justification

Should be a new recital 38a

Amendment 419

Rosa Estaràs Ferragut

Proposal for a directive

Recital 38 – paragraph 3

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large amounts** of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

In order to ensure the functioning of any licensing agreement ***or in seeking to make available content services not covered by such agreements***, information society service providers storing and providing access to the public to ***a significant amount*** of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies ***consistent with prevailing technologies and business best practices, provided such technologies exist***. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. es

Justification

It must be clarified that acts by UUC services could also fall under the right to 'make available to the public', because this is the right that applies to on-demand distribution or to transmission by UUC services for some rightholders, such as producers and performers. It must also be clarified that service providers need to apply technologies where they exist, which means that service providers are not obliged to invest in the development of their own technology.

Amendment 420

Tiemo Wölken, Dietmar Köster

**Proposal for a directive
Recital 38 – paragraph 3**

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to **the public to large** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to ***significant*** amounts of copyright protected works or other subject-matter uploaded by their users ***and performing an act of communication to the public*** should

ensure protection of works or other subject-matter, such as implementing effective technologies. ***This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. ***Those measures should not require the identity of individual users uploading content in order to protect their privacy. Furthermore, those measures should be limited to preventing the availability of specifically identified and duly notified works and should not lead to a general obligation to monitor content uploaded by the users.***

Or. en

Amendment 421
Antanas Guoga

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to ***large amounts of*** copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, ***such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter.

Or. en

Amendment 422
Luis de Grandes Pascual

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement ***or to prevent the availability on their services of content not covered by such agreements***, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies ***consistent with prevailing technologies and industry best practices, and provided such technology exists***. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Justification

It is necessary to clarify that the acts of UUC services could also fall under the right of “making available to the public”, because this is the right which applies to on-demand distribution or streaming by UUC services for certain right holders, such as producers and performers. It should also be clarified that service providers need to implement technologies in case where such exist, meaning that service providers are not obliged to invest into developing their own technologies.

Amendment 423

Sajjad Karim, Angel Dzhambazki

**Proposal for a directive
Recital 38 – paragraph 3**

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers ***storing and providing access*** to the public ***to large amounts of copyright protected*** works or other ***subject-matter*** uploaded by their users should take appropriate and proportionate measures to

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers ***actively making available*** to the public ***copyright protected digital content***, works or other ***subject matter*** uploaded by their users should take appropriate and proportionate measures to

ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

their value and size to ensure protection of that digital content, in accordance with technological developments.

Or. en

Amendment 424
Sergio Gaetano Cofferati

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, *such as implementing effective technologies*. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter. *Such measures should respect users' rights and process personal data according to Directive 95/46/EC and the Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) .* This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Amendment 425
Daniel Buda

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing **and** providing access to the public to **large amounts of** copyright protected works or other subject-matter **uploaded by their users** should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, **or to prevent the unauthorized availability of their services in respect of content not covered by such contracts**, information society service providers storing, **indexing, classifying or** providing access to the public to copyright protected works or other subject-matter should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. ro

Amendment 426

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation, **which will make it possible to guarantee the sharing of value online**, should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. fr

Amendment 427
Stefano Maullu

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers ***storing and providing access to the public to large amounts of copyright protected works or other subject-matter*** uploaded by their users should take appropriate and proportionate measures to ensure protection of works ***or other subject-matter, such as*** implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability ***exemption*** provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers ***which, irrespective of the nature of the means used to that end, are involved in the making available to the public of third-party works*** uploaded by their users, should take appropriate and proportionate measures to ensure protection of ***those*** works, ***for instance by*** implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability ***regime*** provided in Article 14 of Directive 2000/31/EC.

Or. it

Amendment 428
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

For the implementation of such measures, rightholders should provide service providers with accurately identified works or subject matter over which they consider to have rights in copyright. Rightholders retain responsibility for claims made by third parties over the use of works which they would have identified as being their own in the implementation of any agreement reached with the service provider.

Or. en

Amendment 429
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Recital 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

For the implementation of such measures rightholders should provide the information society service providers with the necessary data to ensure the proper functioning of the measures they deployed. Rightholders should also provide due justification for the rights they claim.

Or. en

Amendment 430
Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) The EU copyright framework aims at providing a high level of protection, especially for authors, which is crucial in order to maintain the dynamism of European intellectual creation. The EU copyright framework should remain consistent with this objective and therefore should not introduce unnecessary, unbalanced and unjustified exceptions such as an exception for "user generated content", where the issues related to the use of works or other subject-matters by users comes from the interpretation made of the rules applicable to online service providers that play an active role in distributing the contents.

In order to clarify the situation and provide legal certainty, the liability of online service providers which give access to user generated content should be clarified. In this regard, such online

service providers should not be covered by the liability exemption and licencing agreements concluded with rightholders should cover the acts of users who do not act on a professional basis.

Or. en

Amendment 431

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) Any agreements on measures between rightholders and information society service providers that might be concluded should provide for an obligation for rightholders to provide the necessary data to allow the services to identify their content in a publicly accessible database. Such obligation should help clarify the responsibility of rightholders for claims made by third parties over the use of works which they would have identified as being their own in the implementation of any agreement reached with the service provider.

Or. en

Amendment 432

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) In order to ensure the correct functioning of any licensing agreement, or to prevent unauthorised access to copyright protected works or other subject-matter uploaded by the users,

information society service providers storing and disseminating this content and providing public access to it must take appropriate and proportionate measures to ensure the protection of these copyrighted works and other subject-matter, for example by implementing effective technologies.

Or. fr

Amendment 433

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 b (new)

Text proposed by the Commission

Amendment

(38 b) This obligation is also incumbent upon those information society service providers that can claim the liability exemption provided for in Article 14 of Directive 2000/31/EC when they store or provide public access to a significant amount of copyrighted works and other subject-matter uploaded by their users.

A service provider not taking appropriate action or not responding effectively to requests made by rightholders to enter into licensing agreements will not be able to claim the protection provided by Article 14 (1) of Directive 2000/31/EC.

Or. fr

Amendment 434

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public

deleted

to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 435

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies

deleted

used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 436

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

deleted

Or. en

Amendment 437

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

**Proposal for a directive
Recital 39**

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. *deleted*

Or. en

**Amendment 438
Jiří Maštálka**

**Proposal for a directive
Recital 39**

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential *deleted*

for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 439

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to ***the public to large amounts of*** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders ***should*** provide the necessary data to allow the services to identify their content and the services ***should*** be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies

Amendment

(39) Collaboration between information society service providers storing and providing access to copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders ***must*** provide the necessary data to allow the services to identify their content and the services ***must*** be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get

should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

information from the information society service providers on the use of their content covered by an agreement.

In cases when the measures and technologies established on the basis of this Directive affect the uploading of content that is covered by an exception or authorisation, service suppliers must be required to set up complaint and redress mechanisms for the benefit of the users whose content has been affected by these measures. Such mechanisms must maintain a balance between the need to ensure that content covered by exceptions to copyright or authorisations is not unduly affected by the measures, and the need to ensure that complaint and redress mechanisms do not unreasonably prejudice the effectiveness of the measures.

To achieve this aim, the complaint and redress mechanisms must allow rightholders to receive adequate information to assess complaints and respond to them.

The complaint and redress mechanisms must also allow a suitable period of time for rightholders to respond to complaints.

Or. fr

Amendment 440

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to

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Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow

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identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***Given the requirements under this Directive in terms of agreements and cooperation between information society service providers and rightholders, it is necessary to provide an intermediary procedure for parties to seek an amicable solution to any dispute regarding the relevant provisions thereof. Member States should support such a mechanism by designating an impartial body with relevant experience and competence to assist the parties in the resolution of their dispute.***

Or. en

Amendment 441
Luis de Grandes Pascual

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards

Amendment

(39) In cases when the measures and technologies deployed in accordance with this Directive affect the upload of content covered by an exception or authorization granted, it is necessary to require service providers to set up complaints and redress mechanisms for the benefit of users whose content has been affected by the measures. Such mechanisms should strike an appropriate balance between the need to ensure that content covered by exceptions to copyright or authorisations is not

rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

unduly affected by the measures, and the need to ensure that complaints and redress mechanisms do not unreasonably prejudice the effectiveness of the measures.

To achieve that aim, complaints and redress mechanisms should prescribe minimum standards for complaints to ensure right holders are provided with adequate information to assess and respond to complaints.

Properly functioning complaints and redress mechanisms should provide rightholders with an adequate period to respond to complaints, taking into account the number of complaints being processed by the recipient rightholder at the time of the complaint

Or. en

Justification

Given that in some cases the content uploaded by users on UUC service can be affected by the measures under Article 13, such as when it is covered by an exception or authorization, it is necessary to ensure that such content can continue to be available on UUC services and that users have at their disposal a mechanism that would allow them to submit complaints when the upload is prevented, and would allow right holders to assess and respond to users' complaints.

Amendment 442

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services

should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***In accordance with Directive 95/46/EC, Directive 2002/58/EC and the General Data Protection Regulation, those technologies should not require the identification of individual users and the processing of their personal data and therefore should not lead to general monitoring obligation.***

Or. en

Amendment 443
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to ***large amounts of*** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the ***functioning of technologies, such as content recognition technologies. In such cases***, rightholders should provide the necessary data to allow the services to identify their content ***and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide*** rightholders with information on the ***type of technologies***

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the ***implementation of reasonable and appropriate measures. Therefore***, rightholders should provide the necessary data to allow the services to identify their content ***to which they have rights in copyright and*** the services should ***be transparent towards rightholders and provide them*** with information on the ***measures***, the way they are operated and their success rate for the recognition of rightholders' content.

used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 444

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers *storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.*

Amendment

(39) Collaboration between information society service providers *and right holders is essential to facilitate the accurate identification of unauthorised works online. Appropriate safeguards should however be put in place where they agree on the introduction of voluntary measures to ensure that these do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental rights of the European Union, in particular their rights to the use of works made in accordance with an exception or limitation to copyright.*

Or. en

Amendment 445

Tiemo Wölken, Dietmar Köster

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Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content **and the** services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers, storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users **and performing an act of communication to the public**, and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content, **such as reference files and metadata. They should deliver reference files on a timely basis and in an appropriate file format. Metadata should be complete and accurate for each reference file.** The services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 446
Sergio Gaetano Cofferati

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information
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Amendment

(39) Collaboration between information

society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, *such as content recognition technologies*. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate *for the recognition of rightholders' content*. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 447

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers *storing and providing access* to the public *to large amounts of copyright protected* works or other *subject-matter* uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in

Amendment

(39) Collaboration between information society service providers *actively making available* to the public *copyright protected digital content*, works or other *subject matter* uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in

particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 448

Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large amounts of** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 449
Daniel Buda

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39) In cases when the measures and technologies deployed in accordance with this Directive affect the upload of content covered by an exception or approved by virtue of authorization granted, it is necessary to require service providers to set up complaints and redress mechanisms for the benefit of users whose content has been affected by these measures/technologies. Such mechanisms must ensure an appropriate balance between the need to ensure that content covered by exceptions to copyright or approved by virtue of authorisations is not unduly affected by the measures/technologies on the one hand and the need to ensure that complaints and redress mechanisms do not unduly detract from the effectiveness of the measures on the other.

To achieve that objective, complaints and redress mechanisms should prescribe minimum standards for complaints to ensure that rightholders are provided with adequate information to assess and respond to complaints.

Properly functioning complaints and redress mechanisms should provide rightholders with an adequate period to respond to complaints, taking into account the number of complaints being processed by the recipient rightholder at the time of the complaint.

Or. ro

Amendment 450
Rosa Estaràs Ferragut

Proposal for a directive

PE603.010v01-00

120/136

AM\1123345EN.docx

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) Where measures and technologies applied in accordance with this Directive affect the upload of content covered by an exception or authorization granted, service providers should be required to set up complaints and redress mechanisms for the benefit of users whose content has been affected by these measures. Such mechanisms should strike an appropriate balance between the need to ensure that content covered by exceptions to copyright or authorisations is not unduly affected by these measures, and the need to ensure that complaints and redress mechanisms do not unjustifiably prejudice the effectiveness of said measures. To achieve that aim, complaints and redress mechanisms should lay down minimum standards to ensure rightholders are provided with sufficient information to be able to examine and respond to complaints. Properly functioning complaints and redress mechanisms should allow rightholders a suitable period of time in which to process complaints, taking into account the number of complaints relating to the rightholder being processed at the time the complaint is lodged.

Or. es

Justification

Given that in some cases content uploaded by UUC service users may be affected by the measures referred to in Article 13, for example when an exception or authorisation applies, there must be a guarantee that this content can continue to be available from the UUC services and that users have a mechanism available to them that enables them to lodge complaints when uploading is prevented, and rightholders to assess and respond to users' complaints.

Amendment 451

Mary Honeyball, Virginie Rozière, Mady Delvaux, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa, Theresa Griffin

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) The use of technical measures is essential for online licensing and rights management purposes, and content recognition technologies in particular are readily available and affordable. Such technical measures do not require the identity of uploaders and involve targeted technical cooperation between rightholders and information service providers, based on the data provided by rightholders. Provided they are used in such a way, the use of technical measures is fully compatible with Article 15 of Directive 2000/31/EC and the European Charter of Fundamental Rights. In order to promote collaboration between rightholders and information society services providers, Member States should encourage industry agreements between rightholders and information society services, and if necessary the Commission may bring forward proposals for a Code of Conduct at a later date.

Or. en

Amendment 452
Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) The market for content recognition technologies is already well developed and destined to grow in a data based economy. Existence and competition of such technology solution providers are therefore supposed to ensure affordable and easy access for all interested parties, including SMEs, regardless of their size, fully respecting all the fundamental rights. However, without

clear legislative obligations to use such technologies, the player in the market and especially the dominant ones, refuse regularly to use such tools that are appropriate for licensing and rights management purposes.

Or. en

Justification

Provided that all fundamental rights are fully respected, it shall be clarified that targeted content identification technologies that are already used in the market without any problem can be deployed by the platforms without any negative impact on fundamental rights or any obstacle for services of different sizes, including SMEs.

Amendment 453

Rosa Estaràs Ferragut

Proposal for a directive

Recital 39 c (new)

Text proposed by the Commission

Amendment

(39c) The content recognition technologies market is well developed already and expected to grow in a data-based economy. The existence of technologies of this kind and competition among suppliers thereof should therefore create a market that is fair for all undertakings, irrespective of their size, ensuring that SME access thereto is affordable and simple. However, the absence of clear legal obligations to use these technologies enables dominant market operators in particular to refuse to use those tools which are appropriate for the purposes of licensing and management of rights.

Or. es

Amendment 454

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) The technical measures established should make it possible, at the request of and in association with the rightholders, to recognise given target content. Their aim is not to impose a general obligation to check and run data searches on the content, and do not require the use of the personal data of the end user. These measures are therefore fully compatible with Article 15 of Directive 2000/31/EC and the European Charter of Fundamental Rights.

Or. fr

Amendment 455

Rosa Estaràs Ferragut

Proposal for a directive

Recital 39 b (new)

Text proposed by the Commission

Amendment

(39b) The use of technical means is essential for the functioning of online licensing and the management of rights. Access to the identity of individual users who upload content is not required by the technical means employed by current technology and hence the latter pose no risk to the privacy of individual end users. Furthermore, these technical means are derived from highly specific technical cooperation between rightholders and information society service providers based on data supplied by rightholders and do not, therefore, entail any general monitoring or fact-finding obligation as regards content. It follows that the provisions set out in Article 13 of this Directive are fully compatible with Article 15 of Directive 2000/31/EC and with the Charter of Fundamental Rights of the European Union.

Amendment 456

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, Kostadinka Kuneva, António Marinho e Pinto

**Proposal for a directive
Recital 39 b (new)**

Text proposed by the Commission

Amendment

(39 b) Member States should ensure that an intermediate mechanism exists enabling service providers and rightholders to find an amicable solution to any dispute arising from the terms of their cooperation agreements. To that end, Member States should appoint an impartial body with all the relevant competence and experience to assist the parties in the resolution of their dispute.

Or. fr

Amendment 457

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

**Proposal for a directive
Recital 39 c (new)**

Text proposed by the Commission

Amendment

(3 c) It should be recalled that, both in general and in the light of the references to Article 3 of Directive 2001/29/EC made in this directive, a copyrighted work and/or other subject-matter is communicated to the public and/or made available to the public when a natural or legal person affords access to it to persons outside their close and personal circle, defined as being their family or most immediate associates. For this purpose it makes no difference whether the latter can gain access to the copyrighted works and/or other subject-matter at the same place or in different places, and at the

same time or at different times.

Or. fr

Amendment 458
Julia Reda

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of *their* rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of *adequate* information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers *as well as bodies who use public money for the purchase of content* need information to assess the economic value of rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration, *including cases where subsequently these works are licensed to or these rights are transferred to third parties* . As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the *regular* sharing of information by their contractual counterparts, their successors in title *or third parties to whom licences have been granted or rights have been transferred* is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 459
Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive
Recital 40

PE603.010v01-00

126/136

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Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

The obligation to provide information must be transmitted with the rights and must therefore accompany the work however it is used and irrespective of who is using it or the location.

Or. fr

Amendment 460

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers ***tend to be*** in a weaker contractual position when they grant licences or transfer their rights, they need

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers ***are*** in a weaker contractual position when they grant licences or transfer their rights, they need ***accurate***

information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *and subsequent transferees or licences, as well as* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers. *The reporting and transparency obligation should follow the work across all form of exploitation and across borders.*

Or. en

Amendment 461

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers *need* information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. *As* authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, *they need information* to assess the continued economic value of *their* rights, compared to the remuneration *received* for their licence or transfer, *but they often face a lack of transparency*. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is *important* for the transparency *and balance* in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors, *creators* and performers *often face a lack of transparency regarding the* information *they need* to assess *and* the economic value of their rights, which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. *Such information should be adequate, accurate and comprehensive in order to allow* authors and performers, *who* tend to be in a weaker contractual position when they grant licences or transfer their rights, to assess the continued economic value of *those* rights, compared to the remuneration *originally agreed* for their licence or transfer. Therefore, the sharing of adequate, *accurate and comprehensive* information by their contractual counterparts or their successors in title is *essential* for the transparency, *equality and fairness* in the system that governs the

remuneration of authors and performers.

Or. en

Amendment 462

Pavel Svoboda

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to* be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of *adequate* information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *could* be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of *appropriate* information by their contractual counterparts *and transferees or licensees and by* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 463

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which

are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to be* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *are* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 464

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements *and standard reporting statements and procedures*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under *Directive 2014/26/EU*,

on the condition that Member States have transposed Directive 2014/26/EU and taken all necessary measures to ensure that the management of all collective management organisations is carried out in a sound, prudent and appropriate manner. Member States should also ensure that collective management organisations act in the best interest of the right holders whose rights they represent and regularly, diligently and accurately distribute and pay amounts due to rightholders and make public an annual transparency report, in full compliance with Directive 2014/26/EU.

Or. en

Amendment 465
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered ***in line with the nature of their contribution to the overall outcome of the work or performance.*** Member States should consult all relevant stakeholders as that should help determine sector-specific requirements, ***if these are not already applicable or enforced in the Member State.*** Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU, ***or***

where agreements have already been made on the basis of collective bargaining agreements or equivalent arrangements in Member States.

Or. en

Amendment 466

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States *should consult* all relevant stakeholders *as that should help determine sector-specific requirements*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States *will ensure that the representative organisations of* all relevant stakeholders *determine sector-specific requirements and establish standardised procedures and formats for presenting the information in each sector, promoting automated processing making use of digital technologies and international identifiers of works*. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. fr

Amendment 467

Julia Reda

Proposal for a directive

PE603.010v01-00

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Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. ***The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.***

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for.

Or. en

Amendment 468 Daniel Buda

Proposal for a directive Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as ***an option to reach an agreement between the relevant stakeholders regarding transparency.*** To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector, ***as well as the significance of the contribution by authors and performers to the work or the overall performance or execution*** should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining ***or similar contractual agreements*** should be considered as ***meeting transparency requirements.*** To enable the adaptation of current reporting

to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. ro

Amendment 469
Pavel Svoboda

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. ***To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.***

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements ***and facilitate the design of standard reporting statements and procedures for each sector.*** Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency ***and where collective bargaining agreements containing transparency are in place the obligations of transparency shall be deemed to have been satisfied. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for.***

Or. en

Amendment 470
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Recital 41

PE603.010v01-00

134/136

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Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***should*** help determine sector-specific requirements. Collective bargaining ***should*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***could*** help determine sector-specific requirements. Collective bargaining ***may*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. en

Amendment 471

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) The creative drive is present in every human being, and needs to be nurtured, protected and stimulated in order to lay the foundations for the continuous renewal of creative talents. Therefore, the fundamental and prominent role of authors, creators and performers in the creative process and within society should be recognised. To this end, Member States should ensure that they are entitled to a fair and proportionate remuneration of the revenues derived from the exploitation of their works.

Or. en

Amendment 472

Axel Voss

Proposal for a directive

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Member States shall ensure that authors and performers receive proportionate and equitable remuneration of the revenues derived from the exploitation of their works.

Or. de